

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT TORRENS,

Plaintiff,

-against-

DOE NEW YORK CITY, NAMITA DWARKA,
principal of W.C. Bryant High School,

Defendants.
-----X

ANSWER

14 CV 4885 (AT)(KNF)

Defendant Board of Education of the City School District of the City of New York (“DOE” or “Defendant,” sued herein as “DOE New York City”),¹ by its attorney, Zachary W. Carter, Corporation Counsel of the City of New York, for its Answer to the Complaint, respectfully alleges as follows:

1. Denies the allegations set forth in on page 1² of the Complaint, except admits that plaintiff purports to proceed under the Age Discrimination in Employment Act of 1967 and refers the Court to this statute for a true and complete statement of its contents.

2. Denies the allegations set forth in Section I(A-C) (page 2), except admits that plaintiff purports to state his home address and telephone number, that the DOE maintains an office at 52 Chambers Street, New York, NY 10007 and that W.C. Bryant High School is located at 4810 31st Ave., Long Island City, NY 11103 and its telephone number is correctly stated by plaintiff.

¹ Upon information and belief, defendant Namita Dwarka (“Dwarka”) has not been served with the Complaint in this action, and therefore no appearance is required or being made on her behalf.

² Plaintiff’s Complaint is not formatted in a customary manner. As such, for the convenience of the Court, Defendant’s response identifies the relevant section and/or page of the Complaint.

3. Denies the allegations set forth in Section II(A) (pages 2-3) of the Complaint.

4. Denies the allegations set forth in Section II(B) (page 3) of the Complaint.

5. Denies the allegations set forth in Section II(C) (page 3) of the Complaint.

6. Denies the allegations set forth in Section II(D) (page 3) of the Complaint, except admits that plaintiff identifies his date of birth.

7. Denies the allegations in Section II(E) (page 3) of the Complaint, including the allegations in the “attached document,” except admits that plaintiff has been a teacher at W.C. Bryant High School since 1999, is certified to teach mathematics, and is presently assigned to W.C. Bryant High School located in Queens, New York, Namita Dwarka is the principal of W.C. Bryant High School, and Defendant respectfully refers the Court to the performance evaluations cited therein for a true and accurate statement of the contents thereof.

8. Denies the allegations set forth in paragraph III(A) (page 3) of the Complaint, except admits that plaintiff purports to proceed as set forth therein.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph III(B) (page 4) of the Complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph III(C) (page 4) of the Complaint

11. Section IV of the Complaint seeks relief from the Court to which no response is required, and to the extent this section asserts any factual allegations, Defendant denies those allegations.

FOR A FIRST DEFENSE:

12. The Complaint fails to state a claim against defendant upon which relief can be granted.

FOR A SECOND DEFENSE:

13. Plaintiff's claims may be barred, in whole or in part, by the applicable statute of limitations.

FOR A THIRD DEFENSE:

14. Defendant had legitimate nonretaliatory business reasons for taking any of the alleged retaliatory acts complained of by plaintiff.

FOR A FOURTH DEFENSE:

15. At all times relevant to the acts alleged in the Complaint, Defendant's conduct was made in good faith, without malice, and for nondiscriminatory reasons.

FOR A FIFTH DEFENSE:

16. Any claims contained in the Complaint that were not also contained in the plaintiff's charge of discrimination filed with the EEOC must be dismissed for failure to exhaust administrative remedies.

FOR A SIXTH DEFENSE:

17. The Complaint is barred, in whole or in part, by the failure to perform all conditions precedent to suit or to exhaust all administrative remedies or both.

FOR A SEVENTH DEFENSE:

18. Any damages sustained by plaintiff were caused by plaintiff's own negligent, unreasonable or otherwise culpable conduct.

FOR AN EIGHTH DEFENSE:

19. Plaintiff unreasonably failed to take advantage of the preventive and corrective opportunities provided by Defendants or to otherwise avoid harm.

WHEREFORE, Defendant respectfully requests that the Complaint be dismissed in its entirety and the relief sought therein be denied in all respects, with such other and further relief as the Court deems appropriate.

Dated: New York, New York
September 5, 2014

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By: /s/ Alberto Rodriguez
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Donald Sullivan,
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ZACHARY W. CARTER

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No. 2014-26022*

Due and timely service is hereby admitted.

New York, N.Y....., 2014

..... Esq.

Attorney for.....